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| 09/408,112 | 09/29/1999 | JEFFREY G. WHITELAW | 245/282 | 3606 |

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EXAMINER

HOYE, MICHAEL W

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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2614

DATE MAILED: 07/15/2004

22

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/408,112

Applicant(s)

WHITELAW, JEFFREY G.

Examiner

Michael W. Hoye

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6,9-17,20-35 and 38-52 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6,9-17,20-35 and 38-52 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 September 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see the Remarks section of the RCE, filed on May 4, 2004, with respect to the rejection of independent claims 1, 13, 20 and 29, have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

2. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claims 37 and 40-54 have been renumbered 35 and 38-52 respectively.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Art Unit: 2614

4. Claims 1-6, 9, 11-17, 20-23, 26-34, 35 (listed as claim 37 and renumbered as claim 35), and 39-52 (listed as claims 41-54 and renumbered as claims 39-52) are rejected under 35 U.S.C. 102(e) as being anticipated by Sullivan et al (USPN 6,662,365), cited by the Examiner.

As to claim 1 and 2, the Sullivan et al reference discloses a method of supervising personal exposure to a consumer electronics device by a user. The claimed "selecting one of one or more viewer profile specification sets stored in permanent memory within the consumer electronics device" is met by selecting one of the previously saved user profiles or settings which may have been previously created by a user or stored by the manufacturer in the system (see col. 9, lines 13-48 and col. 10, lines 64-67). The claimed "setting a content-based specification set automatically in response to the selection of one of the one or more viewer profile specification sets" is met by the user selecting a preexisting user profile, where the parental locks, which may include TV ratings and movie content ratings, as well as, subject matter categories, are applied to the system (see col. 8, lines 32-37; col. 9, lines 45-48; and col. 10, lines 48-49). The claimed "each of the content-based specification sets comprising a rating and a subject matter category" is met by the extended TV ratings embodiments, which include selections that may be set, such as, TV-14-V, TV-14-S, TV-14-L, and TV-14-D, that include a rating and a subject matter category, such as V, S, L and D (see Figs. 4 and 6-8, more specifically Fig. 8 and col. 10, lines 24-33). The claimed "receiving a program signal suitable for conversion by the consumer electronics device into user discernible information" is met by receiving television broadcasts and electronic program guide (EPG) information at input/output system 116 (Fig. 1), which is converted by the hardware system 100 into user discernable information through the display system 112 for output to the display 114. The claimed "receiving a content-based indicator set

Art Unit: 2614

indicative of a rating and a subject matter category of the program signal” is met by the hardware system 100 receiving television broadcasts which use MPAA ratings, such as G, PG, PG-13, R, and TV ratings, such as TV-Y, TV-Y7, TV-Y7-FV, TV-G, TV-PG, TV-14, TV-MA. Moreover, a "fantasy violence" (FV) indicator may be added to the TV-Y rating, and indicators for violence (V), sexual situations (S), language (L), and dialog (D), may be added to each of the TV-PG, TV-14, and TV-MA ratings. In addition to, DVD systems may employ a numbered rating system, for example, a scale from 1-10, with associated MPAA ratings (see col. 1, lines 33-45). The claimed “comparing the content-based specification set with the received content-based indicator set” is met by the example in col. 8, lines 32-37, where the system locks all programs rated for audiences age 13 and older whenever those types of programs are received. The claimed “impairing the program signal based on the comparison” is met by a lock that is placed on viewing any programs that are the same and/or higher than the set lock limits as described above.

As to claim 3, the Sullivan et al reference discloses that if the rating levels of the received program or TV show is the same or higher than the preset user setting or profile the program is locked out (see col. 8, lines 32-37 and col. 10, lines 25-32).

As to claims 4-6, the Sullivan et al reference clearly discloses television ratings, movie ratings, and one of the subject matter categories of FV, D, L, S, and V (see col. 1, lines 33-45, col. 10, lines 25-32 and Figures 4 and 6-8).

As to claim 9, Sullivan et al discloses in the specification that in a variation not shown menu items for locking and unlocking the rating, and so forth may displayed (col. 8, lines 2-4), also Fig. 8 is a menu-like display.

As to claim 11, Sullivan et al discloses that a valid “password” (col. 8, lines 54-59) is to be entered when the user modifies and/or selects a viewer profile specification set.

As to claim 12, Sullivan et al discloses that a valid password or user information (col. 5, line 64 – col. 6, line 6) is to be used when modifying or selecting a viewer profile specification set, whose operation is effected as described in col. 8, line 54 – col. 10, line 19.

As to claims 13 and 14, Sullivan et al discloses a memory component where the rating codes or “viewer profile specification sets” are stored, which is either “random access memory (RAM) or non-volatile memory (such as various types of ROM)” (see memory 104 and 106 in Fig. 1 and col. 3, lines 36-61). The semiconductor or ROM type memory is an integral part of the device, thus permanent. The claimed computer program is met by an operating system or other software application as described in col. 9, lines 28-48. The other aspects of claims 13 and 14 are met as described above in the rejection of claims 1-3.

As to claims 15-17, the claims are rejected based on the same criteria used to reject claims 4-6, respectively.

As to claim 20, note the Sullivan et al reference which discloses a consumer electronics device having “V-chip” circuitry for supervising personal exposure to user discernable information. The claimed V-chip circuitry as described in the preamble of the claim is met by the “V-chip” which is a part of the Sullivan reference (see col. 1, lines 15-45). The claimed permanent nonvolatile memory comprising one or more viewer profile specification sets...is met by selecting one of the previously saved user profiles or settings which may have been stored by the manufacturer in the system (see col. 9, lines 13-48 and col. 10, lines 64-67), the “viewer profile specification sets” are stored in “non-volatile memory (such as various types of ROM)”

Art Unit: 2614

(see memory 104 and 106 in Fig. 1 and col. 3, lines 36-61). The claimed logic unit coupled to the nonvolatile memory is met by the central processing system 102 (Fig. 1), which is coupled to the memory 104 and 106 via the system bus 110. The central processing system 102 also meets the claimed generating a control signal...and the claimed program signal impairment mechanism...see col. 3, lines 11-36. The remainder of the content in the claim is rejected based on the rejection of claims 1 and 13 as described above.

As to claim 21, the claimed output device coupled to the program signal impairment mechanism for transforming the program signal into the user discernible information is met by the display system 112 and the display 114 (Fig. 1), which is coupled to the central processing system 102 or the “program signal impairment mechanism” as described above in claim 20.

As to claim 22, the claimed “data entry system for commanding the logic unit to set a custom content-based specification set” is met by using a touch screen display, or various other input devices, such as, a keyboard, mouse, trackball, touchpad, joystick, etc. (see col. 4, lines 24-44 and col. 5, lines 12-20).

As to claim 23, the claimed “program signal carries the content-based indicator set, and further comprising a data extraction device coupled to the logic unit for extracting the content based indicator set” is met by the input/output system 116, which is coupled to the central processing system 102 via the system bus 110, and extracts the content-based indicator set (see Fig. 1, col. 1, lines 18-22 and 33-45, and col. 4, lines 40-44).

As to claim 26, the claimed “output device is a television system audio/video output device” is met by display 114 (Fig. 1), which may comprise a television (col. 4, lines 16-24).

As to claim 27, the claimed “permanent nonvolatile memory is ROM” is met by the ROM as previously described above in claim 20.

As to claim 28, the claimed “logic unit is a microcomputer” is met by the central processing system 102, which includes a central processing unit such as a microprocessor or microcontroller (see col. 3, lines 12-16).

As to claim 29, note the Sullivan et al reference which discloses a method of supervising personal exposure to a consumer electronics device. The claimed accessing a V-chip menu system stored in permanent memory...is met by the “V-chip” which is a part of the Sullivan reference (col. 1, lines 15-45). The claimed menu system including a menu comprising a first selection for accessing a preset criteria menu is met by the user accessing a user profile menu as set by the manufacturer (see col. 10, lines 64-67). The claimed second selection for accessing a custom criteria menu is met by Fig. 8, which is a menu-like display as described above in claim 1 (see col. 8, lines 32-37; col. 9, lines 13-48; and col. 10, lines 48-49), in addition to Sullivan discloses in the specification that in a variation not shown, menu items for locking and unlocking the rating, and so forth may displayed (see col. 8, lines 2-4). See the rejection of claims 1 and 13, for a more detailed description of selecting preset criteria or viewer profile specification sets, as well as ratings and subject matter categories, and storing the content-based specification set or rating code in memory.

As to claim 30, the claim is rejected based on the rejection of claim 1.

As to claims 31-35 and 39-40, they are rejected based on the same criteria used to reject claims 2-6 and 11-12, respectively.

As to claim 41, the claimed “viewer profile specification set is label with an age group” is met by the example given in col. 8, lines 32-37, where the age group is set for children under the age of 13.

As to claim 42, the claimed “viewer profile specification set is immediately selectable upon the initial operation of the consumer electronics device” is met by the sets being stored in the device by the manufacture at the point of sale (col. 10, lines 64-67), where the user may set the profile upon initial operation of the device as described above in claims 1 and 20.

As to claims 43 and 44, the claimed “at least one content-based specification set comprises a television rating and a movie rating,” and the claimed “at least one content-based specification set includes a plurality of standardized ratings” is met primarily by Fig. 8, where a set may comprise multiple ratings including a television rating and a movie rating, or a plurality of standardized ratings (see col. 1, lines 33-45, col. 10, lines 25-32 and Figures 4 and 6-8; and see the rejection of claims 1 and 20).

As to claims 45, 47, 49 and 51, the claims are met by col. 9, lines 26-29, where separate or different profiles can be selected for different age groups or children or for different users.

As to claims 46, 48, 50 and 52, the claimed “each content-based indicator set comprises a movie rating, a television rating and a subject matter category that is one of FV (fantasy violence), D (sexual dialog), L (adult language), S (sexual situations) and V (violence)” is met by primarily by Fig. 8, where a set may comprise multiple ratings including a television rating, a movie rating, and a subject matter category that is one of FV (fantasy violence), D (sexual dialog), L (adult language), S (sexual situations) and V (violence) (see col. 1, lines 33-45, col. 10, lines 25-32 and Figures 4 and 6-8; and see the rejection of claims 1 and 20).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 10 and 38 (listed as claim 40 and renumbered as claim 38) are rejected under 35 U.S.C. 103(a) as being unpatentable over Sullivan et al, in view of Elam (USPN 6,216,263), both cited by the Examiner.

As to claims 10 and 38, the Sullivan et al reference includes all of the limitations set forth in the claim with the exception of disclosing a dedicated function key. Elam however, discloses a “designation panel” (column 5, line 6), with “push-button switches which when depressed designate respective program content categories” (column 5, lines 10-11). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the system of Sullivan et al with Elam’s teachings so that a viewer profile specification set could be selected with a dedicated function key in order to make the viewer’s profile configuration process faster and easier.

7. Claims 24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sullivan et al.

As to claims 24 and 25, the Sullivan et al reference discloses a consumer electronics device as described above in claim 20. The Sullivan et al reference does not explicitly disclose

Art Unit: 2614

that the program signal impairment device is a “switch” or a “scrambler” as claimed. However, the Examiner takes Official Notice that it is notoriously well known in the art of supervising personal exposure to a consumer electronics device, also known as access control or blocking, as well as parental control, to use for the program signal impairment device a switch and/or a scrambler for the advantage of preventing the user from viewing the program signal that has been received and set for blocking or to be locked out. Therefore, it is submitted that it would have been clearly obvious to one of ordinary skill in the art at the time of the invention to have used a switch or scrambler for the program signal impairment device for the advantages given above.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Knowles et al (USPN 6,505,348) – discloses a multiple interactive electronic program guide system and methods, which further includes Vchip+ access and blocking for program shows by rating, theme or content and other types of blocking features as shown in Fig. 34.

Art Unit: 2614

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael W. Hoyer whose telephone number is (703) 305-6954.

The examiner can normally be reached on Monday to Friday from 8:30 AM to 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller, can be reached at (703) 305-4795.

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Application/Control Number: 09/408,112
Art Unit: 2614

Page 12

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to customer service whose telephone number is **(703) 308-HELP**.

Michael W. Hoyer
July 2, 2004



JOHN MILLER
SUPERVISORY PATENT EXAMINER
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